IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4614 OF 2006

Jivraj Bhanuds Kande ..Applicant
V/s
The State of Maharashtra ..Respondents.

Mr.C.K.Pendse, Advocate for the applicant.

Mrs. Mhatre, APP for the State.

CORAM : J.H. BHATIA, J.
DATE : 7TH FEBRUARY, 2007.

P.C.

. Heard Mr. Pendse, learned Counsel for the applicant and Mrs. Mhatre, learned APP for the State.

2. The applicant seeks to be released on bail in Crime No.111/2005 registered at Shikarapur Police Station, for the offence punishable under Sections 302 and 201, 394 r/w 34 of Indian Penal Code.

3. According to the prosecution, a dead body of unknown person was found near Kanhurmesai Village and on the basis of the report lodged by Police Patil of that village the offence under section 302 of Indian Penal Code came to be registered on 18/8/2005. On 20/8/2005 police got information from Panvel Police Station that some persons were arrested for the offence punishable

under Section 399, 402 and the accused in that case had disclosed about murder of the person, whose dead body was found near Kanhurmesai. It was also revealed that the present applicant and another co-accused had hired one Scorpio Jeep bearing No. MH-44-B-196 from Ambejogai for going to Pune. Deceased Pandurang was driver on that Jeep. On the way said driver was strangulated and his dead body was thrown away. Thus, against the present applicant, there is circumstantial evidence in the form of last seen together. The learned Counsel for the applicant contends that co-accused has been already granted bail. However, on behalf of the prosecution it is pointed out that trial has already commenced on 22/1/2007 and 5 witnesses have also been examined. The case is based on circumstantial evidence, it may not be in the interest of justice to grant bail to the present applicant at this stage. As the trial has already commenced, there is every possibility that within short time the trial will be concluded.

4. For the aforesaid reasons, I am not inclined to grant bail.

. Application stands rejected.

(J.H. BHATIA, J.)